

## **REMARKS**

Applicants acknowledge with appreciation the indication that claims 8 and 9 define patentable subject matter and would be allowable if rewritten in independent form. Accordingly, claim 8 has been rewritten in independent form and therefore, both claims 8 and 9 are believed to be in condition for allowance.

The word “type” has been deleted from the preamble of each of claims 1 through and including 17 to obviate the rejection of these claims under §112.

### **Claim 1**

Claim 1 was rejected under 35 U.S.C. §102(b) or in the alternative 103(a) as being unpatentable over Payne. Payne discloses a carburetor 10 having a remote primer pump that is communicated with a fuel pipe 40 by a priming tube 70, inlet tube 68 and plug 18 that are separate from a body 12 and/or a float bowl 16 of the carburetor. The plug includes a radial bore 64 that leads to a straight axial bore 60 that leads to the fuel pipe 40. The diameter of the axial bore 60 is significantly smaller than the diameter of the fuel pipe 40.

As filed, Claim 1 recites a carburetor that has a body with a fuel and air mixing passage formed therethrough and a fuel bowl defining at least a portion of a fuel chamber, a fuel supply pipe that is carried by the body, a fuel passage that is formed at least in part in the body and having an outlet generally coaxially aligned with the fuel supply pipe, and a priming system. In one preferred implementation, the fuel passage is formed at least in part in the fuel bowl, as shown in FIG. 1. While other arrangements are contemplated and intended to fall within the scope of claim 1, Payne fails to disclose a fuel passage formed at

least in part in the body. In Payne, the fuel passage is formed by interconnected tubes 70, 68 and a plug 18 carried by the float bowl 16, and is not formed in part in the body of the carburetor.

Further, the disclosure and teaching of Payne is not relevant to the construction and arrangement of claim 1. The disclosure of Payne is directed to the inclusion of a small bleed passage 62 that communicates the axial bore 60 with fuel in the float bowl so that fuel flow into the axial bore 60 is greatly restricted and repeated actuations of the primer bulb 76 will not send much additional fuel into the carburetor bore 14. In this manner, Payne teaches that the carburetor will not become flooded by rapid, successive actuations of the bulb 76. Payne does not disclose or even suggest alternate fuel passage arrangements, nor is the problem Payne purports to be solved in any way related to its fuel passage. In view of at least the above, the construction and arrangement of claim 1 is not anticipated by or obvious in view of Payne.

#### **Dependent Claims 2-7 and 10-17**

Each of dependent claims 2-7 and 10-17 is dependent upon claim 1 and defines patentable subject matter for at least those reasons that claim 1 is patentable. Further, each of these claims defines further patentable subject matter over the cited art. For example, claim 2 was rejected as being obvious over Payne and Walbro Far East, or Payne in view of Takano et al., and further in view of Walbro Far East. Claim 2 as amended recites that the carburetor has a fuel supply pipe that includes a main jet with a passage that defines the minimum flow area through the fuel supply pipe and wherein the outlet is disposed upstream of the passage of the main jet and the flow area of the outlet of a fuel passage is larger than the minimum

flow area through the fuel supply pipe.

Takano fails to disclose such a fuel passage at all, and Payne does not disclose the claimed arrangement and in fact, specifically shows a directly contrary arrangement. In Payne, the axial bore 16 opens into a constant diameter portion of the fuel pipe 40 that includes no jet or restriction at all and has an inner diameter that is greatly larger than the diameter of the axial bore 16. Finally, Walbro Far East does not appear to disclose or even suggest the claimed relationship or arrangement. And Walbro Far East does not suggest that its fuel supply pipe is located downstream from the outlet of its primer pump 11 to facilitate starting as is stated in the office action. Rather, Walbro Far East only states that the primer pump 11 provides fuel into the carburetor through the fuel pipe 3 to facilitate starting. That generic description of the function of a primer pump is not in any way related to the relative position or size of the jet in the fuel pipe and the primer pump outlet. Accordingly, absent the disclosure of the instant application, the Examiner has not shown a suggestion or motivation anywhere in the art for the carburetor construction and arrangement of claim 2, and in fact these references teach away from the claimed subject matter so the proposed combination of references must fail. For at least these additional reasons, claim 2 is patentable over the cited art.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Payne in view of Takano et al. Claim 11 recites that the minimum flow area of the fuel supply pipe is greater than the combined flow area of all of said at least one holes in the fuel supply pipe. Neither Payne nor Takano et al disclose or even suggest any such construction or arrangement, nor has the Examiner identified any such teaching or disclosure. The Examiner has only identified a “perforated fuel supply pipe 28” in Takano et al, but Takano does not

disclose a priming system as claimed and the perforations in its supply pipe are open to an annular air chamber 28e so that air may enter the fuel supply pipe 28 and be mixed with fuel in the fuel supply pipe. Further, the outlet 33 of the priming device 41 in Takano does not communicate with the fuel supply pipe, but rather an idle fuel nozzle 21. So the primer fuel is not injected into the fuel supply pipe at all and the perforations in Takano's fuel supply pipe have no effect on the carburetor during priming of the carburetor.

Still further, there is no suggestion or teaching in Takano, Payne, or elsewhere in the art that would motivate one of ordinary skill in the art to combine these references in any manner, let alone as suggested by the Examiner. The references have different teachings, relate to different carburetors, and are directed to different problems. The only suggestion anywhere in the record to make the Examiner's proposed combination comes from the instant application, but that requires use of hindsight which is improper and cannot be the basis for the rejection.

There is no guidance anywhere in Takano or Payne as to why or how one would combine these two very different carburetors. Nor is there a teaching as to which parts should be selected and rearranged in an undisclosed manner, and which parts should be rejected to arrive at any construction, let alone that claimed here. The mere fact that if some components from Takano were combined with selected other components from Payne, and if they were arranged in a manner not contemplated by either reference, then one could make a carburetor that satisfied the limitations of claim 11 is nothing more than a hindsight reconstruction of the claimed structure with Applicants' claims used as a roadmap or parts list. Under a proper analysis, the combination of features in claim 11 is patentable over the cited art for at least one or more of these additional reasons.

Regardless, claim 11 does not recite only that there are one or more holes in a fuel supply pipe, it claims a specific relation between the flow area of the fuel supply pipe and the combined flow area of all of the holes in the fuel supply pipe, and provides that fuel exits the fuel supply pipe through the hole(s) (as set forth in claim 10 upon which claim 11 is dependent). None of the cited art suggests the claimed arrangement, nor would one of ordinary skill in the art be motivated to combine the air holes in the fuel pipe and completely separate priming pump of Takano et al with Payne, and to modify such a combination in a manner not taught by either reference, to arrive at the specific arrangement recited in claim 11. Claim 11 is patentable over all the cited art.

Claim 12 claims another relationship between the minimum flow area of the fuel supply pipe and the flow area of all of the hole(s) in the fuel supply pipe. For at least the reasons stated above, claim 12 is patentable over the cited art.

As noted above, all of these claims are dependent upon claim 1 and are patentable and believed to be in condition for allowance. Failure to specifically discuss any dependent claim such as was done for claims 2, 11 and 12, is not an admission that any claim does not further define patentable subject matter over the cited art or that the cited art discloses the limitations recited in any claim.

#### **New Claims 18 and 19**

New independent claim 18 is similar to claim 1 except it recites that the fuel passage is formed at least in part in the fuel bowl. None of the cited references disclose or even suggest such a construction and arrangement and so, for at least this additional reason, claim 18 is patentable over the cited art. New claim 19 further provides that the fuel bowl includes

a bore through a wall of the fuel bowl and that the portion of the fuel passage that is formed in the fuel bowl extends to the bore. No cited art discloses such a construction and arrangement. Additionally, new claim 19 is dependent upon claim 18 and defines patentable subject matter for at least those reasons claim 18 is patentable.

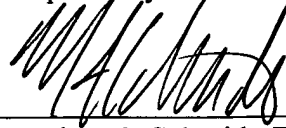
### CONCLUSION

Each of claims 1-19, as amended or newly presented, is believed to define patentable subject matter over all the references. Accordingly, reconsideration and allowance of each of these claims is respectfully requested.

If, after considering this Response, the Examiner believes any of the claims are not in condition for allowance, it is respectfully requested that the Examiner initiate a telephone interview with Applicant's undersigned attorney, Matthew J. Schmidt, whose telephone number is (248) 689-3500, so immediate consideration can be given to any further amendment suggested by the Examiner or needed to place all of the claims in condition for allowance.

Applicant believes that there are no fees due at this time. Any fee deemed necessary for this response may be charged to deposit account no. 50-0852.

Respectfully Submitted,



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